United Nations CCPR/C/SR.3143

International Covenant on Civil and Political Rights

Distr.: General
24 March 2015

Original: English

Human Rights Committee
113th session

Summary record of the 3143rd meeting
Held at the Palais Wilson, Geneva, on Friday, 20 March 2015, at 10 a.m.

Chairperson: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Cyprus (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages of the United Nations. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-06085 (E) 240315 240315

1506085

Please recycle

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Cyprus (continued) (CCPR/C/CYP/4; CCPR/C/CYP/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Cyprus took places at the Committee table.*

2. **Mr. Shany** said that he would appreciate information on the involvement of civil society groups, particularly NGOs, in the preparation of the State party report.

3. **Mr. Seetulsingh** asked whether any Turkish Cypriots had been recruited in the police force or judiciary and, if not, whether there were plans to do so. The delegation should indicate whether the Government would consider giving effect to the Constitution of 1960 in that regard.

4. **Mr. de Frouville** said that he had not heard responses to certain questions. He had sought clarification on the interpretation of the term "existing benefits" mentioned in paragraph 33 of the replies to the list of issues (CCPR/C/CYP/Q/4/Add.1) and asked whether the children of internally displaced persons (IDPs) continued to face discrimination in the enjoyment of their electoral rights.

5. **Ms. Koursoumba** (Cyprus) said that, to ensure objectivity, the information in the periodic report had been scrutinized and cross-checked with input from independent monitoring bodies, which took account of the views of civil society.

6. The constitutional breakdown of 1963 had led to Cyprus being run by the Greek community alone and the participation of Turkish Cypriots as provided for in the Constitution was contingent on the withdrawal of occupying troops from the island.

7. Pursuant to a decision of the Council of Ministers, the children of all IDPs, men and women, had equal access to social benefits. As a result of the financial crisis, however, no funds were available to provide assistance. It had been decided not to extend voting rights to the children of IDP women as doing so would skew the weighting given to the administrative districts of Famagusta and Kyrenia under the system of proportional representation used to allocate seats in the House of Representatives. Restoring the fundamental human rights and freedoms of a large part of the population was the essential purpose of negotiations during the settlement process. Cyprus had the largest number of IDPs per capita in the world, so a positive outcome to the talks would go a long way towards redressing human rights violations.

8. Women had been involved in the peace process from the beginning and had played a significant role in bicommunal bodies and technical committees aiming, inter alia, to eradicate domestic violence and violence against women, particularly through awareness-raising. The Government encouraged NGOs working to further the implementation of United Nations Security Council resolution 1325 (2000) to contribute to peace talks and engage with stakeholders.

9. Racially motivated attacks against Turkish Cypriots were declining in number and mainly involved damage to vehicles. Although such incidents were very rare, particularly given the high volume of traffic entering the area under the control of the Republic, the Government's aim was to prevent them completely.

10. **Ms. Argyropoulou** (Cyprus) said that the criteria for granting citizenship, which were clearly defined in national legislation, were the same for all children whose mother or father was of Greek Cypriot or Turkish Cypriot origin. Foreign parents, whose nationality

was not taken into consideration, had to be legal residents of the Republic. All applicants were informed of their rights, which included the possibility of requesting the Council of Ministers to examine their case on an exceptional basis. The Government was looking into ways of expediting the application process. Cases were dealt with chronologically unless humanitarian grounds dictated otherwise. According to the data available, there had been a substantial number of successful applicants of South Asian origin.

11. Persons claiming to be, or suspected of being, victims of torture, were referred to a doctor and, if necessary, other health professionals. All personnel working with asylum seekers received training in the Istanbul Protocol. The absence of torture did not have a negative bearing on an applicant's chances of success and no person was returned to a country where there were substantial grounds for believing that he or she would be in danger of being subjected to torture. Although efforts were made to provide trained interpreters for all asylum interviews, it had proved difficult to find language professionals for certain dialects. Nevertheless, all asylum seekers were informed of their rights in a language that they could understand and received leaflets informing them about the authorities handling their requests. Moreover, they were entitled to free legal aid throughout the application process and the Government cooperated with a large number of NGOs offering such assistance.

12. **Ms. Dimitriou** (Cyprus) said that, owing to a lack of evidence, police had been unable to identify any suspects in connection with the arson attack on Koprulu Haci Ibrahim Aga mosque. The case of an alleged prison gang rape was currently before court. The victim, who had not reported the incident, had undergone thorough medical examinations and was receiving protection. The Independent Authority for the Investigation of Allegations and Complaints against the Police had referred seven cases to the chief of police for disciplinary action and forwarded seven recommendations for improvements in the handling of investigations.

13. **Mr. Bouzid** asked how many complaints from domestic and agricultural workers had been received by the Aliens and Immigration Department, how many cases had been passed on to the Attorney General's Office, whether the Department had branches outside the capital and whether the 245 complaints from 2013 mentioned in paragraph 130 of the replies to the list of issues related to sexual or labour exploitation.

14. He would welcome additional information on the joint inspection units set up in April 2009. The delegation should state how many civil servants were employed by the units and how many employees were not registered with the Social Insurance Fund. It should also elaborate on the private employment agencies mentioned in paragraph 137 of the replies to the list of issues. In particular, he wished to know how many had been set up and where foreign workers in the State party came from. The delegation should comment on reports that some agencies had been involved in the sexual exploitation of agricultural workers and that domestic workers were unable to change employer until their initial work permit had expired. With regard to human trafficking, he requested further details on the process of harmonizing domestic legislation with European Union (EU) law.

15. He asked how many shelters had been created for women victims of sexual exploitation, how long the average stay in such shelters was and whether victims continued to receive assistance from the State once their stay had ended. He wished to know the nationality of child victims of sexual exploitation and how many children had received follow-up care. The delegation should indicate whether the State party intended to amend its legislation to establish a system for identifying victims of exploitation and trafficking among the asylum seeking population.

16. He invited the delegation to respond to reports that: mosques in Cyprus were open for prayers only on Fridays; 30 mosques had been destroyed; Turkish Cypriot children

received no vocational training at school; the three cemeteries that could be used for Islamic funerals had no water supply, even though bathing the body was an essential part of the ritual; alcohol was sold next to certain mosques, leading to incidents in which believers had smashed shop windows; and a Turkish Cypriot association had submitted a request to manage Hala Sultan Tekke mosque. If such a request had been made, the delegation should state whether the Government was considering it.

17. Lastly, he noted that the low voter turnout among Turkish Cypriots in the European Parliament election of 2014 was due in part to an additional registration requirement that had not been communicated to the public in Turkish. He wished to know whether the State party planned to abolish the requirement so as to ensure compliance with articles 25 and 26 of the Covenant.

18. **Mr. Shany** asked whether the current number of crossing points was viewed as adequate and how the Government approached the issue of unauthorized crossing points, particularly those in or near the village of Pergamos. In that connection, he sought clarification on the nature of the disagreement that was preventing the United Nations Peacekeeping Force in Cyprus from opening new crossing points. He also wished to know whether the Committee on Crossings had met recently and, if not, why not.

19. He would welcome information on the State party's policy with regard to the recognition of driving licences issued by authorities in the northern part of the island, particularly licences held by non-EU spouses of Turkish Cypriots. He invited the delegation to explain how a policy of non-recognition could be compatible with article 12 of the Covenant, particularly in the case of settlers from Turkey and their descendants who had been born on the island.

20. He wished to know whether the State party had considered the recommendations made to it by the Special Rapporteur on freedom of religion or belief, whether exemptions from attending religious services were granted in primary education, whether exemptions from religious lessons implied that pupils could leave the classroom entirely and what follow-up had been given to the recommendation to discontinue the practice of performing confessions in schools. Regarding paragraph 23 of the list of issues (CCPR/C/CYP/Q/4), he noted that the State party had yet to specify the measures taken to support the religious education of non-Orthodox communities, including Muslim communities, in the southern part of the island, on the basis of voluntary participation.

21. He invited the delegation to respond to concerns that periods of alternative civilian service that exceeded the standard length of military service could amount to a form of punishment against conscientious objectors. The delegation should also comment on reports that persons under 18 could perform military service on a voluntary basis and state whether the Government felt a sense of duty to help protect the human rights of conscientious objectors in the northern part of the island.

22. Noting that the State party had failed to respond to the request for information in paragraph 30 of the list of issues, he asked who was responsible for addressing the Committee's recommendations and according to what time frame. The delegation should state whether the concluding observations were translated into Turkish and, if not, whether there were plans to do so. He urged the State party to strengthen the participation of civil society in the preparation of State party reports and the follow-up to concluding observations.

23. **Mr. de Frouville** asked what procedure was in place for juvenile offenders between the ages of 16 and 18. He requested more information on the implementation of child friendly justice principles under the new Juvenile Offenders Law.

24. **Mr. Seetulsingh** asked what measures were taken to protect the religious freedom of religious minorities. He expressed concern at reports of permission being denied for the construction of places of worship and burial grounds and requested further information in that regard. How were the religious affiliations of private school pupils and the adult population included in national statistics, given that questionnaires in that respect were distributed in public schools only? Were there plans to build a school for the Turkish Cypriot and Roma communities in Limassol, as had first been suggested in 2005? What measures were in place to provide targeted assistance to Roma pupils in schools, take into account their language needs and prevent them from dropping out?

25. **Ms. Cleveland** asked whether the Law on the Procedure for the Standardization of Geographical Names of the Republic had been applied, against whom, for what conduct and with what outcome. In the light of paragraph 35 of the Committee's general comment No. 34, which required that the action taken to restrict freedom of expression should be necessary and proportionate, she would like specific and individualized information regarding the manner in which the goals of public order and cultural identity were protected by that law and why those goals could not be achieved through a less restrictive measure. The European Union provided an example of such a measure, which, in the case of the State party, would entail using the official Greek name followed by the Turkish name of a particular place. What international precedents had the State party drawn on when drafting that law?

26. **Mr. Politi** asked whether statistics were available on crimes of complicity committed by young persons under 18 years and adults. Which court was competent to hear those cases and how was it ensured that juvenile offenders who were convicted of those crimes were detained separately from adults?

The meeting was suspended at 11.10 a.m. and resumed at 11.35 a.m.

27. **Ms. Koursoumba** (Cyprus) said that the Protection of Victims Law had entered into force and covered sexual exploitation. Given that the Green Line did not constitute an external European Union border, special regulations on the free movement of persons and goods had been established based on European Council Regulation No. 866/2004. Persons crossing the Green Line by vehicle were therefore required to present a drivers' licence in accordance with European Union legislation, which included drivers' licences that were admissible in other European Union member States. While the Turkish Cypriot authorities were aware of that requirement, they did not facilitate access to such documents for their population. Furthermore, the Cypriot authorities had submitted a proposal for the opening of a number of new crossing points, which had been rejected by the Turkish Cypriot side.

28. Under a policy of the Ministry of Education and Culture, requests from parents for their children to be exempt from religious education classes that went against their conviction should be accepted and those pupils should be provided with other suitable schoolwork. However, that policy was not effectively implemented in all establishments. In addition, despite the fact that the Commissioner for the Protection of Children's Rights had drawn up a comprehensive report recommending that religious confessions should not be conducted in schools, many institutions continued to do so.

29. Persons recognized as conscientious objectors could serve either 33 months of alternative social service or 24 months of alternative military service. The period of time served for alternative military service was shorter than that served for alternative social service owing to the more onerous tasks performed and the fact that the individual was away from home during his or her service. Applications were not examined individually and there had been no cases of appeals against decisions in that regard. When it had ratified the Optional Protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict in 2010, the State party had made a declaration

allowing the voluntary enlistment of citizens under 18 who had attained the age of 17 by the date of their recruitment in the armed forces. The Government had no control over the situation in that respect in the occupied part of the island.

30. The Committee's concluding observations would be forwarded to the Council of Ministers with recommendations concerning their implementation. The State party had developed its strategy and action plan for women on the basis of the concluding observations from the Committee on the Elimination of Discrimination against Women and further intended to draw on the recommendations from all treaty bodies to develop its policies. The concluding observations were not always translated into Turkish owing to a lack of resources in that area. The new Juvenile Offenders Law had been drafted on the basis of the European Union Guidelines on child friendly justice. It covered prevention of juvenile delinquency, training of specialist psychologists and lawyers, and alternative measures for court trials and punishments. Under the law, the deprivation of liberty of children was applied as a last resort when sentencing juvenile offenders.

31. Article 2 of the 1960 Constitution concerning religious and ethnic minorities in the State party had been incorporated into the Zurich Agreement of 1959 and was considered a basic article. As such, it could not be amended. After consultation with civil society in 2005, it had been decided that a school in Limassol exclusively for Turkish Cypriot children would not be built. All pupils attending public school in Cyprus were required to attend the establishment in their catchment area. Accordingly, the Ayios Antonios school in Limassol was attended primarily by children from the Turkish Cypriot and Roma communities living in that same area. The Commissioner for the Protection of Children's Rights had compiled an extensive report containing recommendations for the improvement of the school and support for the pupils and their families, which the Ministry of Education and Culture had accepted and would implement.

32. Amendments to the Law on the Procedure for the Standardization of Geographical Names of the Republic were in conformity with article 19 of the Covenant and were aimed at the protection of the cultural identity of the country. Changes had been made to the toponyms of some towns and villages in the occupied northern part of the island, which constituted an act of interference in the affairs of the State party and contravened United Nations resolutions concerning the standardization of geographical names. All the legal geographical names of the country were included in the Toponymic Gazetter, and had been submitted to the Fifth United Nations Conference on the Standardization of Geographical Names in 1987.

33. **Mr. Ignatiou** (Cyprus) recalled that the Green Line had been drawn up as a ceasefire demarcation and that the Cypriot Government was therefore not in a position to monitor observance of human rights in the occupied areas of the country. He emphasized that the Government had wanted additional crossing points but had been unable to negotiate them with the occupying Turkish military forces. It ensured freedom of religion and granted access to religious places for all persons who legally entered the territory, including through a Green Line crossing point, or who had legal residence in the country. It cooperated closely with the Special Rapporteur on freedom of religion or belief, who had recently made his third visit and had commended the State party for its interreligious dialogue. Lastly, negotiations between the Cypriot Government and Turkish leadership had been suspended following Turkey's violation of the island's exclusive economic zone.

34. **Ms. Andreou** (Cyprus), in response to a question concerning the complaints mechanism for migrant workers, reiterated the information contained in paragraphs 127 to 129 of the State party's replies to the list of issues (CCPR/C/CYP/Q/4/Add.1). Citing recent annual statistics, she said that out of a total of 962 complaints filed, 799 had concerned domestic workers, while 163 had involved agricultural workers. In 234 cases, the complaint had been resolved through the signing of a release agreement; in a further 21 cases, the

complainant had chosen to return to work with the original employer. Labour inspectors had conducted workplace inspections covering a total of 8,072 employees and had found 1,433 undeclared workers, of whom 35 per cent had been Cypriots, 50 per cent European Union (EU) nationals and 15 per cent non-EU nationals. Following a recent amendment to employment contracts, domestic workers were free to join a trade union of their own choice. The average length of stay in the State shelter for female victims of sexual exploitation was from two to four weeks. Victims were provided with advice and assistance by welfare officers in order to help them integrate into society.

35. **Ms. Argyropoulou** (Cyprus) said that a new anti-trafficking law had been enacted in order to introduce more effective procedures for processing complaints and to ensure that the perpetrators of trafficking were brought to justice. The law required victims to be treated with full respect for their rights and a fund to be established to cover, among other things, victims' legal costs. Provision had also been made for a mechanism to monitor implementation of the law and to propose further action to combat trafficking in persons. Furthermore, a multidisciplinary group against trafficking that included NGO representatives participated actively in implementing the law and cooperated with the Ministry of the Interior in organizing awareness-raising campaigns on trafficking for Asylum Service officials. The Government was currently reviewing admission criteria for the employment of domestic workers with a view to simplifying procedures and to better protecting their rights.

36. With regard to electoral rights, all Greek Cypriots and Turkish Cypriots residing in the areas under the effective control of the Government had to apply for inclusion on the electoral register. Legislation had recently been amended to provide for the automatic inclusion in electoral rolls of all Turkish Cypriots holding a Republic of Cyprus identity card with a declared address in the areas of Cyprus not under the effective control of the Government. In a very few exceptional cases, some such persons had not been allowed to vote in the most recent elections because they had been unable to produce a valid identity document or to provide proof of permanent residence.

37. **Ms. Dimitriou** (Cyprus), replying to a question about the recruitment of police officers, said that all Turkish Cypriots who met the required eligibility criteria could apply to join the force. One complaint of labour exploitation had been reported in 2014; following an investigation, the matter had been referred to the prosecution authorities. While there were no specific detention facilities for juveniles, steps were taken to ensure that juvenile detainees were held separately from adults and provided with a full range of purposeful activities. Participation by juveniles in out-of-cell activities together with adults was allowed on the strict condition that prison staff provided appropriate supervision.

38. **The Chairperson** said that he wished to make clear that members of the Committee were independent experts who served in their personal capacity and not as representatives of any government. The questions they asked were not political in nature but concerned the implementation of the Covenant.

39. **Mr. Shany** endorsed the Chairperson's comments. He asked for further clarification of government policy on the recognition of driving licences, since it did not appear to be completely consistent with EU regulations. He asked the delegation to comment on reports that strict Greek language proficiency tests acted as a barrier to recruitment into the civil service for minority groups, in particular Turkish Cypriots.

40. **Mr. Bouzid** said that he had not received replies to his questions about private employment agencies, Muslim cemeteries or the opening times of the Hala Sultan Tekke mosque.

41. **Mr. Seetulsingh**, noting that article 159 of the Cypriot Constitution stipulated that the composition of criminal courts should reflect the community membership of the parties

concerned, said that it was important that all citizens should be treated on an equal footing, regardless of their community affiliation. He wished to know whether it was indeed the case that Roma were able to move freely around Cyprus and, if so, what impact that had on their access to employment and education.

42. **Ms. Koursoumba** (Cyprus) said that the Government recognized all driving licences that were valid in EU member States. Recruitment into the civil service was open to all EU nationals, including Turkish Cypriots, whose rights were safeguarded by the Government. However, all public servants had to have a good command of the Greek language. The Roma were a nomadic community, but they were allowed to work in the Republic of Cyprus regardless of their place of residence provided that they had a Cyprus identity card. They received assistance from the Public Employment Services in finding appropriate employment and could take part in training programmes organized by the Human Resources Development Authority. The Government made conscious efforts to ensure that Roma children attended school, which was compulsory for all children up to the age of 16. The fees of minority children attending private schools were paid out of the State budget.

43. **Ms. Andreou** (Cyprus) said that in 2014 the Department of Labour had examined 24 complaints against private employment agencies. Seven complaints relating to illegal activities and labour exploitation had been referred to the police for further investigation. Two agencies had had their licences revoked for failing to comply with the law.

44. **Ms. Argyropoulou** (Cyprus) said that access to all mosques in government-controlled areas was regulated by the Muslim community. The Hala Sultan Tekke mosque had fixed opening and closing times because it also operated as a museum; however, it was accessible to all on a daily basis. The Dali mosque would also open daily as soon as necessary improvements to its facilities had been completed. The delegation would reply in writing to the question on Muslim cemeteries.

45. **Ms. Koursoumba** (Cyprus) thanked the Committee for the very constructive interactive dialogue that had taken place. Her Government looked forward to receiving the Committee's concluding observations, which would be submitted to the Council of Ministers. Recommendations made by the Committee would be given due consideration in the formulation of government policy. Despite the current economic difficulties affecting the State party, the Government was determined to continue its coordinated efforts to enhance, promote and safeguard the human rights of all people in Cyprus.

46. **The Chairperson** said that many of the issues that had been discussed during the dialogue with the State party, such as freedom of worship and freedom of conscience, had concerned the principle of non-discrimination, which was a cornerstone of international human rights law. The State party should take further steps to ensure effective protection of that principle through its public policies. With regard to historical cases of enforced disappearance, consideration should be given to extending the mandate of the Committee on Missing Persons in order to guarantee the rights of victims to truth, justice and reparation. With respect to questions related to the freedom of expression, it would be helpful for the State party to refer to the Committee's general comment No. 34 (CCPR/C/GC/34). The State party could submit any additional replies in writing to the Committee within 96 hours.

The meeting rose at 12.55 p.m.